



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
APRIL 7 and 8, 2015**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on April 7 and 8, 2015.

TUESDAY, APRIL 7, 2015—2:00 P.M.

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| (1) | S202921 | People v. Le (Eric Hung) et al. |
| (2) | S212940 | People v. Ford (William J.) |
| (3) | S056766 | People v. Leon (Richard) [Automatic Appeal] |

WEDNESDAY, APRIL 8, 2015—9:00 A.M.

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| (4) | S212072 | California Building Industry Association v. City of San Jose
(Affordable Housing Network of Santa Clara County et al.) |
| (5) | S215050 | In re Marriage of Davis (Sheryl Jones and Keith Xavier)
<i>[To be called and continued to early May 2015 oral argument
calendar]</i> |
| (6) | S076337 | People v. Charles III (Edward) [Automatic Appeal] |

CANTIL-SAKAUYE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, APRIL 7, 2015—2:00 P.M.

(1) *People v. Le (Eric Hung) et al.*, S202921

#12-85 *People v. Le (Eric Hung) et al.*, S202921. (D057392; 205 Cal.App.4th 739; Superior Court of San Diego County; SCD212126.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. This case presents the following issue: Does Penal Code section 1170.1, subdivision (f), as interpreted by *People v. Rodriguez* (2009) 47 Cal.4th 501, preclude a trial court from imposing both a firearm use enhancement under Penal Code section 12022.5, subdivision (a), and a gang enhancement under Penal Code section 186.22, subdivision (b)(1)(B), when the offense is a serious felony as a matter of law?

(2) *People v. Ford (William J.)*, S212940

#13-92 *People v. Ford (William J.)*, S212940. (A135733; 217 Cal.App.4th 1354; Superior Court of Sonoma County; SCR-530837. Petition for review after the Court of Appeal affirmed an order awarding victim restitution in a criminal action. This case presents the following issue: Did the trial court have jurisdiction to award restitution to the victim although defendant's probationary term had expired nine days earlier?

(3) ***People v. Leon (Richard)*, S056766** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, APRIL 8, 2015—9:00 A.M.

(4) ***California Building Industry Association v. City of San Jose (Affordable Housing Network of Santa Clara County et al.)*, S212072**

#13-77 California Building Industry Association v. City of San Jose (Affordable Housing Network of Santa Clara County et al.), S212072. (H038563; 216 Cal.App.4th 1373; Superior Court of Santa Clara County; 1-10-CV167289.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: What standard of judicial review applies to a facial constitutional challenge to inclusionary housing ordinances that require set asides or in-lieu fees as a condition of approving a development permit? (See *San Remo Hotel L.P. v. City & County of San Francisco* (2002) 27 Cal.4th 643, 670.)

(5) ***In re Marriage of Davis (Sheryl Jones and Keith Xavier)*, S215050 [To be called and continued to early May 2015 oral argument calendar]**

#14-19 In re Marriage of Davis (Sheryl Jones and Keith Xavier), S215050. (A136858; 220 Cal.App.4th 1109; Superior Court of Alameda County; RF08428441.) Petition for review after the Court of Appeal affirmed an order in a marital dissolution proceeding. The court limited review to the following issue: For the purpose of establishing the date of separation under Family Code section 771, may a couple be “living separate and apart” when they reside in the same residence?

(6) ***People v. Charles III (Edward)*, S076337** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.